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| FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 07-2004) | | ATTORNEY'S DOCKET NUMBER 112740-1002 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10 / 510896 |
| INTERNATIONAL APPLICATION NO. PCT/DE03/01061 | INTERNATIONAL FILING DATE 01 April 2003 | PRIORITY DATE CLAIMED 8 Apr 2002/29 Apr 2002 |
| TITLE OF INVENTION METHOD AND COMMUNICATIONS DEVICE FOR ADAPTING THE DATA RATE IN A COMMUNICATIONS DEVICE | | |
| APPLICANT(S) FOR DO/EO/US Martin Dottling et al. | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). | | |
| Items 13 to 23 below concern document(s) or information included: | | |
| <ol style="list-style-type: none"> 13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input checked="" type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Express Mail Label No. <u>EV 511585837 US</u> 23. <input type="checkbox"/> Other items or information: | | |

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| U.S. APPLICATION NO (if known, see 37 CFR 1.5) | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER | |
| 107510896 | | PCT/DE03/01061 | 112740-1002 |
| 24. The following fees are submitted: | | CALCULATIONS PTO USE ONLY | |
| BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) : | | | |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | \$950.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). | | <input type="checkbox"/> 20 <input type="checkbox"/> 30 | \$0.00 |
| CLAIMS | | NUMBER FILED | NUMBER EXTRA |
| Total claims | 17 | - 20 = 0 | x \$18.00 \$0.00 |
| Independent claims | 3 | - 3 = 0 | x \$84.00 \$0.00 |
| Multiple Dependent Claims (check if applicable). | | <input type="checkbox"/> | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | \$950.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | \$0.00 | |
| SUBTOTAL = | | \$950.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). | | <input type="checkbox"/> 20 <input type="checkbox"/> 30 + | \$0.00 |
| TOTAL NATIONAL FEE = | | \$950.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). | | <input type="checkbox"/> | \$0.00 |
| TOTAL FEES ENCLOSED = | | \$950.00 | |
| | | Amount to be: refunded | \$ |
| | | charged | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$950.00 to cover the above fees is enclosed. | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. | | | |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818 | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. | | | |
| SEND ALL CORRESPONDENCE TO: | | | |
| William E. Vaughan (Reg. No. 39,056) Bell Boyd & Lloyd LLC P.O. Box 1135 Chicago, Illinois 60690 Telephone: (312) 807-4292 | | | |
|  SIGNATURE | | | |
| William E. Vaughan NAME | | | |
| 39,056 REGISTRATION NUMBER | | | |
| October 8, 2004 DATE | | | |

10/510896

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Martin Dottling et al.
Appl. No.: PCT/DE03/01061
Title: METHOD AND COMMUNICATIONS DEVICE FOR ADAPTING THE DATA RATE IN A
COMMUNICATIONS DEVICE
Docket No.: 112740-1002

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (duplicate);
2. International Application as originally filed on 58 pages;
3. Preliminary Examination report with amended pages on 12 pages;
4. English translation with amended pages on 60 sheets;
5. executed Declaration and power of attorney on 3 pages;
6. Preliminary Amendment on 55 pages;
7. IDS on 1 page, PTO 1449 on 1 page, search report on 7 pages;
8. Check in the Amount of \$950.00;
9. Recordation Cover sheet on 1 page, executed assignment on 2 pages, check \$40.00;
and
10. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 8, 2004.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Renee Street

Name of Person Mailing Correspondence



Signature

EV 511585837 US

Express Mail Mailing Label Number